

April 12, 2004

**City of Milton-Freewater
City Council Minutes**

The Council of the City of Milton-Freewater met in regular session on Monday, April 12, 2004 at 7:00 p.m. in the Albee Room of the Library.

The following members were present: Mayor Key, Councilors Saager, Lyon, Humbert, Woods, Records, Kelley and Youth Representative Miller. Staff members present were City Manager Delphine Palmer, Assistant City Manager Linda Hall, City Planner Gina Hartzheim, Finance Director Dave Richmond, Fire Chief Sam Hubbard, Fire Captain Terry Morris and Police Chief Mike Gallaher. Citizens present were Darrell and Margaret Key, Rick Saager, Alice Bailey, Mary Shelton, Jon McFarland, Jean Ephlin, Melanie Hall and Kelly Britton.

Members of the press present were Jeanette McKibben of the Blue Mountain Pioneer, Kathy Korengal of the Walla Walla Union Bulletin and Melanie Hall of the Valley Herald.

PROCLAMATION. Mayor Key read a proclamation declaring April as Child Abuse Prevention Month.

Mary Shelton, property owner of 1706 Walnut Street, stated she purchased the property on 1706 Walnut in 1974 and now currently rents the property out. The City vacated a 16-foot wide alley south of the property, of which half was given to Ms. Shelton and the other half was given to the southbound property. At that time the garage/shed was located somewhere in this alley. With a newly acquired southerly neighbor, there has become a property line dispute. Ms. Shelton stated that the new neighbor has removed trees that were planted by Ms. Shelton and has painted a line down the middle of the shed, declaring he wants ownership of this portion of the building. The shed is 16' x 28' and Ms. Shelton stated she currently pays taxes on the shed. Ms. Shelton said she asked for help from the police department, but stated the police department would not help her. Ms. Shelton said she has sent two letters with no response and has called twice and was told this is a civil matter of which the City cannot be involved in. Ms. Shelton said she came to council meeting to ask where she goes for help when she locks a building and someone cuts down her trees and paints a stripe down the building. Councilor Humbert said he knew if a property owner was in possession for seven (7) years, the property owner would own the property as Adverse Property. Assistant City Manager Linda Hall said this issue had been through the police department, the planning department, as well as her department, the Administration department. Ms. Hall further said that this, in fact, was a civil matter between two private property owners and that it was suggested that a survey be acquired, but didn't know if that had been done or even ordered. Ms. Hall also said she knew this issue had been very intense from the conversations in her office and at this point she suggested that Ms. Shelton consult an attorney. Ms. Shelton said she checked into an attorney, but they wanted \$10,000.00 and she was told that on this very

day, her new neighbor would take possession of her shed. Ms. Hall said the police could not do anything until the survey was done because they do not know who is the property owner. City Manager Delphine Palmer said she knew there was a tremendous amount of frustration regarding this particular issue, but the City only has authority over certain areas and it is this very issue the City does not have any jurisdiction over.

A discussion ensued.

Councilor Saager asked if a trespassing complaint was filed, if the police would have jurisdiction, if so, let the new owner prove he isn't trespassing. Ms. Hall said the prosecuting attorney would need evidence. Ms. Shelton said she has all of her documents supporting her possession. Councilor Saager said that if her trees were cut down and her shed was painted, he felt that was trespassing.

A discussion ensued, with the final results at this meeting stating that a property survey is absolutely necessary.

Jean Ephlin, 1216 N. Elizabeth, addressed council again about the traffic speeders on Elizabeth Street. Mr. Ephlin suggested that after two visits to council meetings and several reports to the police department, that nothing had been done. City Manager Delphine Palmer said that several tickets had been issued in the area, but that the City could not post a police officer full-time in the area as there were other areas in the City that have the same problem. Ms. Palmer did say that City staff have entertained the idea of speed bumps along this street. Mr. Ephlin said the speed limit sign was too small, was located behind trees, and requested a larger sign. Ms. Palmer said with all the emphasis patrols there, the problem still exists, and that speed bumps seem to be the only solution at this point. Mr. Ephlin stated, "If you put in a speed bump, I'll tar and feather the whole batch of you." Ms. Palmer asked Mr. Ephlin what he would suggest. Mr. Ephlin said to put a sign at the beginning of the city limits stating "radar controlled" and get rid of the little sign. Chief Gallaher said the speed sign was not a standard-size sign and that a regular speed sign may be beneficial in this area. Ms. Palmer stated she would see that Public Works installs a larger speed sign.

Kelley Britton, 204 N. Main, stated her neighborhood has been overtaken by cats. Ms. Britton said her neighbor was part of the pet neutering program, but won't clean her yard, so the cats go to the neighbors. Assistant City Manager Linda Hall stated, as she had told Ms. Britton earlier, the City does not have a cat ordinance. However, the City does have a public nuisance ordinance and that Sgt. Richman responded last Thursday to investigate and spoke to a person in the neighbor's home about the number of cats. Ms. Hall further said the City could ask the neighbor to find homes for the cats, but there is no ordinance in place to do anything further. City Manager Delphine Palmer stated that there are methods to keep cats from urinating on the property, but agreed the cats should be contained somehow. Ms. Palmer suggested that Ms. Britton call Lyla Lampson of PETS and have the cats trapped. Ms. Britton said she had spoken with Ms. Lampson and she would not loan her the traps, nor would she trap them herself. Ms. Hall said that the only option left is to determine if the police department can cite Ms. Vogan for a public

nuisance. Councilor Kelley asked if multiple cats created a health hazard on the property as well. Ms. Hall stated this would be investigated as well.

CONSENT CALENDAR ITEM: The consent calendar included minutes from the March 22, 2004 council meeting. Councilor Kelley moved to adopt the consent calendar. Councilor Humbert seconded the motion which passed unanimously.

NEW BUSINESS

CONSIDERATION of Request for Ambulance Subsidy by MF Rural Fire and Ambulance Service. Councilor Saager stated that since Rick Saager, owner of MF Rural Fire and Ambulance, is his son, he preferred not to enter into the discussion, but stated he would like to retain his right to vote on any council decision. Councilor Saager further stated he did not have any financial interest in the MF Rural Fire and Ambulance Service. One other item, a couple of years ago, Councilor Saager stated he was stricken with an illness. It was late in the evening and Councilor Saager said he was paralyzed and unable to breath. Due to the speed (about three minutes) and professionalism as they tubed and breathed for him until he arrived at the hospital where he was then placed on a respirator, his life was saved.

City Manager Delphine Palmer stated that first of all, the City has a very good relationship with Rural Fire and Ambulance and the City and the Rural work extremely well together and the City appreciates that. Mr. Saager privately owns the Milton-Freewater Rural Fire and Ambulance Service. Currently, the Rural Ambulance Service has a contract or franchise agreement with Umatilla County to provide ambulance services for District 4 and the City of Milton-Freewater is included as a part of District 4. The Rural Ambulance service had to provide proof of financial ability to operate the Rural Ambulance Service to District 4 as a part of its franchise agreement. The Rural Ambulance does not obtain income from the County. Instead it bills private insurance companies, Medicaid and/or Medicare insurance for ambulance services. Recently, there were changes in Medicaid and Medicare supplement insurance and the Rural Ambulance Service has seen a dramatically decreased reimbursement for services. This is the case around the country. Several months ago Mr. Saager asked that the City provide Rural Ambulance \$140,000 annually plus cost of living increases to help make up for the loss he is taking from operating the Ambulance Service. Mr. Saager would still continue to bill private insurances and Medicare/Medicaid, so the City's \$140,000 would be supplemental income for the Ambulance Service. Currently, the City provides dispatch services at no cost, which the City also should not be doing. Mr. Saager mentioned that he wants permanent financing, not a levy or a County-wide ambulance tax district, and after discussing this with Ms. Hall, who knows the history of funding, levies, etc., I asked for advice from our city attorney Doug Hojem on how to respond to Mr. Saager's request. In summary, the City cannot seek a serial levy for a specific private company. If Mr. Saager can no longer provide ambulance service with the changes in Medicare and Medicaid, then he needs to take that issue to the County. The contract provides that if the company is unable to provide a particular service, the board may permit the franchisee to subcontract the service to another person for the remainder of the contract. This is in

Section 12, #5, or the County will accept applications for a new franchise. The City understands the problem, especially in light of what is happening right now to many families because of the Sykes closure. However, we cannot commit to provide supplemental funding.

Mr. Rick Saager stated he had some concerns with issues brought up by City Manager Delphine Palmer. Mr. Saager questioned, 1) the previous serial levy was received for nine (9) years. At that point in time the service was only a basic life-support service, with Walla Walla Ambulance facilitating advanced life-support. However, Ms. Palmer was correct in that we really don't want a serial levy because there is no way to budget for the ambulance service on a three-year serial levy. This would just be a band-aid approach to keep the service in operation. If the service provides the same level of care it currently does, then the service needs some substantial funding to continue. The ambulance service began transporting for basic life-support in 1991. The City provided a serial levy for nine (9) years, with none of the funds going to Walla Walla services. At that time, all of the service providers were volunteers. In 1998 or 1999, the serial levy was lost and in the year 2000, the ambulance service began transporting advanced life-support services without a fifteen (15) minute wait from Walla Walla. At that time, the service added three (3) paramedics, one (1) full-time EMT, purchased heart monitors valued at \$60,000 plus a lot of other necessary equipment, and another ambulance. Currently the service has three (3) advanced life-support ambulances plus one (1) mechanical backup ambulance. Currently the service receives no funding. The service quit receiving the \$18,000 annually in 1999, which was a token, but better than nothing. At the time there was no payroll because everyone was volunteer labor. Currently the service staffs full-time paramedics, which earn some of the top wages in this valley because of their specialized training. Since 2002 the service has lost 20% to 30% revenues due to Medicaid/Medicare funds. This is significant in Milton-Freewater just because of demographics. The community is not getting younger, it's getting older. Also, since the 911 disaster, insurance premiums for the ambulance has doubled, currently incurring a cost of \$25,000 annually just for the ambulance portion. The average collection rate nation-wide is about 66%. With the advance billing service, which we have now, the collection rate is about 70%. Calls average 2.83 daily and 70% or 75% of those calls are in the city limits of Milton-Freewater. This translates to approximately 700 ambulance calls inside the city limits of Milton-Freewater annually. Another issue with the ambulance is the non-payment of bills. Presently there is \$285,000 in the credit bureau for collection of non-payment. Without insurance, our people, especially our elderly do not have the personal funds to pay for the ambulance service, and Medicare refuses to pay. Other ambulance services within Umatilla County are having the same issues. Mr. Saager said the purpose of this discussion is to find a solution to the Ambulance Service financial problems. Referring to a newspaper article and also the amount of money Ms. Palmer reported, Mr. Saager stated those were ideas bouncing around. It was not intended to add a surcharge to the electric bill, we only wanted the billing system to be the instrument to administer that fee. Those receiving an electric bill would receive an ambulance bill and Mr. Saager's attorney said this is not against the law, and is very reasonable so there is a conflict of legal opinion. Another issue, 80% of all calls are Medicaid/Medicare and the service receives an average of \$365.00 on a Medicare call

from an \$810.00 ambulance bill. This includes what the Medicare secondary insurance pays. On Medicaid, our service receives considerably less than the \$365.00 and it is illegal to bill the individual for the balance. Again, Mr. Saager said he was before council to get ideas as the City did fund the ambulance service for nine (9) years, three at \$12,000 and six at \$18,000 annually. The level of service is much higher than the franchise agreement with Umatilla County. In most cases, all three ambulances can respond, two ambulances all the time. The franchise agreement requires one ambulance and one paramedic. The service now employs three paramedics, thirteen EMTs and two intermediates. They all carry pagers and the majority respond to incidents only.

Councilor Humbert asked what a paramedic earns in wages. Mr. Saager said roughly \$50,000 annually. Further, the service has one full-time paramedic and the volunteers get paid per run-volume. Total ambulance revenues, including Medicaid/Medicare and subscriptions last year were \$233,000. Salaries, taxes and benefits were \$206,248. Operational expenses were \$161,000 for a loss of \$133,000. The service can no longer afford to take funds from the capital expenditure budget for new fire equipment to subsidize the ambulance service. Mr. Saager further stated he had the right with his franchise to provide written notice in forty-five (45) days to cease ambulance service. This is not the goal of the service, but cannot continue to reach into funds that are needed to replace fire engines, thereby jeopardizing both the fire and the ambulance programs. Basically, Mr. Saager stated he was trying to obtain funds for a break-even point.

Councilor Kelley asked why Mr. Saager does not go back to the County, as the City has lost tremendous revenues due to federal and state shortfalls. Mr. Saager stated he did not want to go back to the county because county residents have supported the ambulance service since its inception, that if it were not for the rural contracted fire citizens, the ambulance service would not be here today. Councilor Kelley clarified her question as going back to the county government, not the county citizens. Mr. Saager said the county does not have any funds, that they can't even support their sheriff's program.

Councilor Woods suggested a 70/30 split in funds to aid in providing the current service.

Assistant City Manager Linda Hall stated that Mr. Saager is exactly right. Rural Ambulance did receive city subsidy through three consecutive three-year serial levies. Since that time funds have been constantly squeezed with more legislation and in 2003 Oregon State passed tougher purchasing laws that forced the City to re-adopt their purchasing rules. This affects the City's bid procedures, which is what prompted the change when city attorney Doug Hojem determined the City could not go out for a serial levy for a specific provider. The City could go out for a serial levy to support emergency medical services, and once the funds were garnered 1) District #4 would be dissolved to create a boundary including only the city limits, which is under the City's jurisdiction, and 2) the City would then be required to go out for proposals to ambulance providers in this area. Mr. Saager then said he was not concerned about who provides the service to the citizens in this area, but that he does not want to lose ambulance service within this area.

City Manager Delphine Palmer said she had some issues. When the county asks for bids or applications for service, the applicant declares stability, and if at a point in the contract term the provider can no longer operate, then the provider, according to contract, is supposed to return to the county and come to an agreement with them before approaching the City for increased funding. When a new agreement is made between the provider and Umatilla County, then the City could be approached.

Mr. Saager said he did not want any more than the City's share, whether that be 68%, 70% or 72%. Ms. Palmer said that she still feels while under the contract, that Mr. Saager needs to act according to the contract and go back to the County. Mr. Saager said he was not awarded a contract, but instead was awarded a non-payment franchise, which carries legal differences. Mr. Saager further said he was not debating the legal aspects of his agreement, but was concerned with providing ambulance care to the citizens of Milton-Freewater and also thought the City would be concerned with taking care of their citizens, and would not worry about the County, perhaps researching angles that may provide aid even if it is at the end of the contract term.

A lengthy discussion ensued.

Assistant City Manager Linda Hall asked about how the sale of subscriptions worked. Mr. Saager said his service sells ambulance subscriptions to both county and city residents for \$55.00 annually, which is a subscription program that has been done for years. The problem with the program is citizens don't support this kind of program as they do not think they will ever need an ambulance. Mr. Saager said the ambulance service only has about 345 ambulance subscriptions currently. Ms. Hall asked what a subscriber got for \$55.00. Mr. Saager replied the subscriber received ambulance service for the subscriber, any spouse and all children under 21 years of age for up to three times annually. They also retain the right to bill third-party insurance as well, but if the subscriber does not have insurance, the service is provided for \$55.00 annually and there is no further charge.

Mr. Saager added that there are more calls requiring public assistance, not medical assistance giving the example of Mrs. Jones falling from her chair and needs help replacing her back into her chair. Mr. Saager said the service does not get any funds for this kind of call, that insurance cannot be billed unless there is a transport. Mr. Saager further said he feels this type of call should be resolved with local city police. Police Chief Mike Gallaher said that city police officers do respond to these calls on a regular basis at a rate of about three per week and there is some real concern with these types of calls with liability. The ambulance is called out when an officer is not available, is on another call, or if there is a medical concern where an officer could unintentionally cause further harm by assisting an injured person.

Councilor Lyon asked about the 3,000 meters just in the city. Mr. Saager said the 3,000 meters was just in the city, but that Ms. Palmer already said this would not work. Ms. Palmer clarified this as the city attorney Doug Hojem said this was not legal. Councilor Lyon continued asking if the \$55.00 annually worked for Mr. Saager and he said it

would. Mr. Saager further said he was working with his attorney to change the ambulance portion of his services to a 503C company as there are millions of dollars in grants funds available for homeland security right now. The only problem with changing the structure is it takes everything Mr. Saager has worked for the last twenty years completely out of his control. Mr. Saager said he was not sure he wanted to give up his current business structure for one controlled by a board of directors, which can ruin a business with expensive equipment purchases over a few short years.

Councilor Kelley said she did not dispute the fact that this service is necessary, but as a city councilor for the City of Milton-Freewater, a part of her job is to ensure business is done properly, and is done with the best value for the dollar. Currently, the City does not have that much for dollars. She further stated that there would have to be other avenues explored that will be more acceptable with regard to City funds. As president of a 501C3 organization, Councilor Kelley said the board is determined by the owner, or in this case, Mr. Saager, and that the owner can appoint and dismiss board members at will. With grant funds available through this program, this may be a better avenue to pursue. Another point in coming to the City is that the ambulance service is a privately owned, so the City would have to have an accounting of all funds issued and how those funds are spent.

Councilor Lyon wanted City staff to pursue avenues to obtain the \$55.00 per city household for the ambulance service. Ms. Palmer said they could discuss this with the city attorney. Councilor Woods asked if we could attach a voluntary billing and mail it along with the electric statement, charging a nominal fee for administrative cost. Ms. Hall said it had not been the practice of the City to perform private business billings and was not sure this would be a sound decision to do so as council would not be able to answer to other private businesses who requested the same service.

A discussion ensued.

Ms. Palmer finally suggested that this issue be revisited and all the ideas shared in another discussion where city attorney Doug Hojem could attend. Councilor Humbert also suggested that someone contact Umatilla County to determine if they have any funds available. Councilor Lyon would like staff to research how the City of Pendleton deals with their ambulance service. Councilor Kelley suggested that all parties research what fees are fair as 65% of our population is living at or below poverty levels.

RESOLUTION 1950 Dedicating N.E. 11th Avenue. City Planner Gina Hartzheim said that during the initial development of Riverberry Manufactured Home Park in 1997, which is now known as Meadowbrook, it was proposed that NE 11th Avenue would be extended through the park as a public street. The extension of NE 11th Avenue was then subsequently imposed as a condition of development at the Planning Commission level for the development of the park. The street was then built along with some of the other private streets as the park was developed. The street was built to public street standards with city curb, gutter and city sidewalk. The City has recently been made aware that the

original developer did not formally dedicate the portion of NE 11th Avenue as a public street that runs through the park, and that is what this resolution before council this evening will accomplish. Since the construction of NE 11th Avenue in 1998, the street has always been treated as a public street, considered to be a public street, with regular street maintenance that occurs along with provided police and fire protection. It was always accepted that NE 11th Avenue would be a public street, was constructed to public street standards, which requires more stringent standards than some private streets, and has been considered a public street since its construction. Because of the good pavement and wide construction of this street there have been some traffic incidents there, namely speeding. There should be no budget impact realized as there should not be any more police and fire protection nor any more street maintenance than has already been realized. Staff recommendation is to approve the dedication of N.E. 11th Avenue.

Councilor Saager asked if there was a stop sign on NE 11th Avenue. Ms. Hartzheim said yes. Councilor Saager said he thought that should reduce some of the speeding issues. Councilor Woods asked that if NE 11th Avenue has not been dedicated, then has it been on the current tax roll. Ms. Hartzheim said she did not have the tax bill; that would be something the assessor would have record of. Assistant City Manager Linda Hall said she thought the property lines would end before the area of the street even though it has not been dedicated. Ms. Hartzheim said she did not know if the assessor has accepted that area out into the street. Councilor Humbert asked if the subdivision was short plat. Ms. Hartzheim said it was not as it is a private park. Typically in a platted development that would happen on the plat itself, but there was no recorded plat for this development. Most of the mobile home parks in the city have private streets, with this being the sole exception.

Councilor Saager moved to adopt Resolution No. 1950 Dedicating NE 11th Avenue. Councilor Kelley seconded the motion.

Discussion continued. Darrell Key, 618 County Road, stated he bought the property January 1, 2000 with a deed and title insurance to the property. Mr. Key said he did not look too close at it. When this issue came up, Mr. Key said he started looking at it. Mr. Key said, "This problem was caused by someone who was incompetent when the papers were getting fixed for that development. Goes right back to that. When you look at when all the rest of the easements were filed at this point you can go ahead and pass this resolution, but it does nothing to the deed and the title insurance." Mr. Key further said he talked to an attorney today, one of the best land-use attorneys in the State. She [the attorney] told Mr. Key it is time, if you want to resolve it cheaply, for everybody to sit down and get their issues out, otherwise she said it would be settled in the courts in a minimum of three years and probably \$500,000.00 in advance. Mr. Key said he bought the property in all good faith and the City has collected \$10,000.00 in taxes on the street. The mortgagers would have to sign off, the trust would have to be redone, all the paperwork redone, and a new title insurance issued. Mr. Key said this was a real "can of worms" for him too, and if the City wanted to go ahead and pass this resolution, he will defend his position to the end. Mr. Key stated another problem with this issue is that Howard Moss [Public Works Superintendent] came down to fix North Main Street, and

placed a sidewalk outside of City right-of-way. The City had a survey and engineering information and still got it wrong. Mr. Key said he didn't have any control with that, but it will be a hassle because Mr. Key said he was going to have to defend for the mortgage. It's just that plain and simple. It is not as simple as the Council going to vote and then take it over. Thank you.

Councilor Humbert said he was looking at the plat map that was surveyed by Dan Cummings on 12/31/97, the date the plat map was recorded with tax lot 200 at 5N-35-028. According to the plat map, NE 11th Avenue has a 60-foot road right-of-way with a 10-foot utility easement on the back side of the roadway. Councilor Humbert further read the purpose of the plat map.

A discussion ensued.

Councilor Lyon stated he was somewhat confused and asked Mr. Key what he wanted. Mr. Key said he was not completely fond of the street, but didn't want to be paying for all the legal work to correct somebody's mistake. The taxes have been attached and Mr. Key said if the property is not his, he shouldn't have to pay any taxes. Councilor Lyon then said there may be some back-taxes for Mr. Key. Mr. Key concurred for himself, but added he didn't care about the people beyond him. Councilor Woods then said he thought Mr. Key was asking to have his grant deed modified to have the legal description corrected. Mr. Key interrupted saying the people that loaned the money would have to agree to this as well, as it is not just Mr. Key at this point. Mr. Key showed council some property lines on the map.

A discussion ensued with council discussing the possibility of tabling the resolution. Assistant City Manager Linda Hall said she was confused as to what specific questions are being asked that she and/or City Manager Delphine Palmer would need to respond to. She added City Attorney Doug Hojem has already researched this subject and offered an opinion. What easements have not been filed? Councilor Humbert said the discussion was about the easements on North Main. Ms. Hartzheim then said this resolution itself does not have any bearing on the North Main area, but only as it relates to the NE 11th Avenue area. The North Main easements can be researched separately if council desires. Councilor Humbert said that according to the plat map the property on North Main does enter into the property on NE 11th Avenue with the 40 foot utility easement and other easements that enter into the property on NE 11th Avenue. Councilor Kelley stated she felt this was a separate issue as she remembered the information on this property because at the time, Mr. Key was on the council as was Councilor Mel Lyon and Councilor Lyon gave a rather humorous presentation about the easement onto his property and losing his trees over his deck. At that time council did agree to accept the dedication and to accept not tearing into Council Mel Lyon's property at that time, and also knew that the piece of NE 11th Avenue would be dedicated. Mr. Key was on the council at that time and was very much aware of the issue. Councilor Kelley stated she was not going to wait on a vote. Further, Councilor Kelley said she would not remove her second on the previous motion and would like to go forward with the motion. The easement from North Main is a totally separate issue. Councilor Woods asked about the legal description of this

property, and the possibility of having this description changed, thereby creating added expenditures for Mr. Key, before he could vote. Ms. Hartzheim said there was a legal description of the NE 11th Avenue right-of-way, and then that could be accepted from the original description if a new description needed to be provided. Ms. Hartzheim then explained the language in the deed.

Councilor Humbert asked why the City wanted this street. Councilor Kelley said the City has been paying for the maintenance on this street and if the parties want to swap dollar for dollar, but in the best interest of the City the street needs to be dedicated because that is a right for all citizens to use this street. Councilor Kelley further stated that if this dedication is not passed, the park owner is then in violation of his conditional use permit.

Council took a break at 9:08 p.m. and reconvened at 9:16 p.m.

Councilor Kelley asked Councilor Woods to give a synopsis of what was read during the break. Councilor Woods said that during the break he asked Ms. Hartzheim for a copy of the title policy due to Councilor Woods' concern about the legal description, and when Councilor Woods read the legal description as has been recorded, it describes all of the easements and the right-of-way and the right-of-way being undedicated at the time. Councilor Woods stated that nothing would change on the legal description based on what he read in the title policy other than going from undedicated to dedicated, so if Mr. Key has been unfairly taxed, he may want to take this issue to the County.

Councilor Kelley called for the question, and then roll call vote was taken. Resolution No. 1950 passed five to one, with Councilor Lyon voting nay.

RESOLUTION NO. 1951 Opposing the Closure of the Veterans Administration Medical Center. Assistant City Manager Linda Hall stated the City received a copy of a letter addressed to the Mayor from Jon McFarland, Executive Director of Milton-Freewater Chamber of Commerce, who is also leading a passionate fight to save the Walla Walla Veterans Administration (VA) Medical Center, which is slated for closure. Mr. McFarland spoke for the Veterans Coalition saying this began in the legislature in the VA Administration last spring after being told by the executive branch of our federal government to eliminate some of the VA centers across the nation for reasons to save money. Since then a commission was formed to study all of the VA centers in the nation to determine which ones could be closed and which ones could be modified, etc. There was a session where some of the federal representatives from the states of Washington and Oregon and some VA representatives along with the Commander of the VFW (Veteran of Foreign Wars) for the State of Washington, who happens to be a Walla Walla resident, went back to Washington D.C. and gave testimony, but the testimony given was ignored. About four weeks ago, the VA staff called and said the wards and hospital would be closed. Because of publication at the same time, it was found that the Walla Walla VA Medical Center was one of twenty-three (23) centers slated for full closure. Since there would be a closure, the center was told that those individuals that are a part of in-patient care would have a place to go before the closure took place. The hospital in Walla Walla services approximately 62,000 veterans scattered from Libby, Montana,

northern Idaho, central and eastern Oregon, central and south-central Washington. The nearest facilities are Boise-Idaho, Spokane-Washington, and Seattle-Washington. The out-patient care is also significant in Walla Walla. Medical providers in the area were never contacted to determine if they could handle the additional case load. The one certified psychiatrist in the area was not contacted, nor is he able to handle the additional case load as his own private practice is sufficient. About four weeks ago the VA Coalition began a letter campaign where approximately 2,000 letters were mailed to legislators, community service clubs, and military clubs and in addition held a march and rally in Walla Walla. There was also a committee from the federal government organized to hold hearings in Walla Walla, which happened today, April 12th at Walla Walla Community College and was chaired by U.S. Senator Patty Murray. Mr. McFarland said it will be much less to renovate the dilapidated buildings in Walla Walla than it will be to build new wings on other buildings to facilitate the additional in-patient use. The resolution before council this evening, if passed, will be sent to Washington D.C. and will become part of the official federal record. Alice Bailey, 514 NW 4th Avenue and commander of the VFW post in Milton-Freewater stated how proud she was to work with Jon McFarland. Ms. Bailey further stated she would appreciate council's approval this evening on behalf of the veterans already serviced from the local area and in addition, the 4,500 we know will be returning to northeastern Washington and the 1,500 returning to the northeastern/southeastern sector of Oregon. We are doing this everyday to remember those in the past, but also the young men and women who will need this service after they return. Ms. Bailey then thanked council for listening to her and for passing the resolution in advance.

Councilor Kelley moved to adopt Resolution No. 1951 Endorsing the Efforts of the Veteran's Coalition of NE Oregon, SE Washington, Northern Idaho and Western Montana, to save the Walla Walla Veteran Administration Medical Center. Councilor Humbert seconded the motion which passed unanimously.

CONSIDERATION of Request to Allow Construction of a Single Home above the Water Pressure Line. Assistant City Manager Linda Hall gave the staff report saying City Manager Delphine Palmer and Public Works Superintendent Howard Moss received a request from Bernice Hodgen, who is an owner of property south of Jacquelyn and west of SE 14th Avenue, and the owner would propose the construction of a single home on the property. The problem is there is a utility code that reserves the right to deny any application to water service if adequate water pressure may not be provided at the proposed point of use. The adopted cut-off line that we show is at the 1,160 foot line and that line dissects the property in question, but it is staff's recommendation to allow the construction of a single home to be built above the water pressure cut-off line on the conditions that the home be required to have a booster pump to increase pressure to the home to at least 25 PSI and backfill prevention will also be required to be installed.

Councilor Woods said his only concern was the land's best-use, in that there were two acres there and the City is looking for land to build housing on. If the owner was to promote six or seven homes, Councilor Woods said he would be all for it, but to build only a single home on two acres is a concern. City Manager Delphine Palmer said she

had thought of this as well, but after speaking with Public Works Superintendent Howard Moss it was discussed that until the City can provide adequate water pressure, only a single home can be built at this time, but that Bernice Hodgen will consider subdividing in the future when water pressure has reached adequate levels.

Councilor Humbert asked if the property owner had been given information on booster pumps for six or seven homes. Ms. Palmer said Mr. Moss had, but that she was not ready to subdivide the property for now. Councilor Humbert said there were different booster systems and that if Ms. Hodgen was considering the future construction that she may need to be informed of options that will save her money.

Councilor Humbert moved to allow construction of a single home above the water pressure cut-off line. Councilor Saager seconded the motion which passed five to one, with Councilor Woods voting nay.

MANAGER'S REPORT

City Manager Delphine Palmer said the preliminary budget books are being put together and sending them to print.

Ms. Palmer said the City was looking at May 22nd for their grand opening of Phase I of the Skate Park. There is an individual coming that will give some lessons to the kids on how to fall and will also give a demonstration. There has not been a time set up yet, but the planning will be done sometime this week. It has been determined to install a ladder in the bowl at the skate park as it is difficult to get out after a fall.

Ms. Palmer said last week was difficult and very emotional for the firefighters, both City and Rural, and also the police department. They did an outstanding job and endured very difficult situations and also saved lives with their exemplary service. We will be acknowledging that at our next council meeting.

COUNCIL ANNOUNCEMENTS

There were none.

Council adjourned at 9:40 p.m. for executive session pursuant to 192.660 (1)(d) To conduct deliberations with person designated by the governing body to carry on labor negotiations. Also, pursuant to 192.660 (1)(3) Representatives of the news media shall not be allowed to attend this executive session.

Council returned to open session following an executive session at 10:09 p.m.

Councilor Saager moved to ratify and authorize City Manager Palmer's signature to a labor agreement with the I.B.E.W. outside unit union based upon the recent negotiations and understanding. Councilor Kelley seconded the motion, which passed unanimously.

There being no further Council business, the meeting was adjourned at 10:12 p.m.

Lewis S. Key, Mayor